

# PARSHAS KI SEITZEI

*by Rabbi Dr. Meir Tamari*

The Torah was concerned that the holy seed from which Israel stems should not be perverted or sullied by unholy and profane marriages (Yevamot 77). That is why there is a list in our parshah of such marriages that are forbidden on account of physical deformities, birth and ancestry.

Marriage involving men, who because of their deformities - mutilated sexual organs or crushed testicles (Devarim 23:2), are unable to have children, denude marriage of their whole purpose. Furthermore, the lack of children could lead the wife to immoral sexual relations with other men. The mitzvah is already referred to in kedoshim: "do not profane your daughter to make her a harlot" (Vayikrah, 19:29). Then there is a second type of man, the mamzer, that similarly defiles the holiness of Israel. His ancestry from a marriage without kiddushin, means in effect that it is a marriage without appropriate children, thereby once again defeating the whole purpose of Jewish marriage. Such children will inherit the immoral philosophy that led to the mamzerut and so continue the blemish of marriage without ketubah and kiddushin. It should be noted that mamzerut is a crime against G-d's teaching of marriage as kiddushin and therefore the mamzer -mum zar- is excluded from the communal Israel; however he does not lose any of his economic or civic rights pertaining to his father]. So each person in Israel will be careful and wary, because of the danger of having such children that will not be eligible to enter marriage with Israel.

The third type of such marriages involves intermarriage with converts from certain nations, not because of their physical or racial traits but rather because of some inherited spiritual and ethical properties. Devarim 23:4-8 considers the eligibility of people from Moav, Ammon, Edom and Egypt. The first two nations, at least the males, are considered ineligible for marriage even after 10 generations of conversion, whereas the latter 2 are eligible after 3 generations. There must be a particular reason for differentiating between Ammon and Moav regarding marriage since they share a common identity with Edom regarding war and conquest. Israel was warned against attacking any of the 3 nations and their territory was regarded as their inheritance just as Israel's was.

In verses 4-8 the reason for the barring of Ammon and Moav is stated: "In that they did not meet you with bread and water on the wanderings when you came out of Egypt. And because he hired Balaam from Aram Naharaim to curse you". Yet we read in Moshe's message to Sichon asking for permission to pass through his territory that Moav and Edom did sell them water and food (Devarim, 2:27-28). This led the Ramban to conclude that it applied only to Ammon; in the same way only Moav hired Balaam to curse Israel. However, we see that our verses are all in the plural to include both

nations. So others have commentated that since the text specifically states: "when you were coming out of Egypt", the offering of bread and water refers not to the time when, 40 years after the Exodus, Moshe asked for permission to pass their territory, but rather to immediately they left Egypt. Then before, Hashem had miraculously provided Manna from Heaven and water from the Be'er, there was a real need for their assistance; when they had no obvious source of sustenance it would have been a real chesed, a real meeting. So had Malkitzedek done for Avraham Avinu when he returned weary and hungry from the war of the 4 kings. Later, after all had witnessed Hashem's miraculous provisioning of Israel to offer them bread and water for sale was no chesed.

We should note that in parshat Chukat, Moshe asks Edom and the other two nations only for permission to pass through their land, permission that was refused. In his message to Sichon, Moshe was saying that just as with Hashem's help they found their way to the borders of Eretz Yisrael despite the refusal, so too Israel would cross the Jordan even if Sichon refused them passage. Therefore in the accusation regarding the lack of chesed, Ammon and Moav were equally guilty, returning bad for the mercy that Avraham Avinu had rendered their father Lot; returning him from captivity during the war and saving him from the destruction of Sodom. In this they were acting just like Amalek, since to refuse sustenance to the weary and to those lacking it, is akin to killing them. Moav had added to the evil in that they hired Balaam to come and curse Israel. "You shall not seek their peace nor their well-being for ever"; just as they did not render you chesed, so too you shall not render them chesed by allowing their converts to marry with you and mix your holy seed with their cruel and selfish descendants.

The last two peoples whose converts were barred from marriage were Edom and Egypt. However, in their case this disbarment was limited to three generations, after which marriage was permitted. In the case of Edom this was because Eisav was Yaakov's brother and it befits a person to love his brother even if he sins. Furthermore, the kinship of Edom was closer than that of Ammon and Moav. Why was Edom not criticized for not letting Israel pass through his territory and not greeting them with water and bread just as Ammon and Moav were? The sons of Eisav had a major cause for complaint against Israel that Yaakov had taken the birthright and falsely taken Eisav's blessing. It is to their credit that they only refused Israel passage but did not go to war against them as did Amalek. In the case of Egypt, the ban was limited to 3 generations of convert because they gave us refuge and succor in the time of the famine and were our hosts for many years. Therefore, even though they later did us harm and oppressed us, nevertheless we should remember their chesed and allow them ultimately to join the Holy People.

In parshat Mishpatim G-d had promised to separate Israel from the other nations in that they would be holy, here that separation was heightened by the exclusion of the 2 nations, Ammon and Moav, because of their lack of chesed, and the temporary exclusion of converts from Edom and Egypt.

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*Dr. Tamari is a renowned economist, Jewish scholar, and founder of the Center For Business Ethics ([www.besr.org](http://www.besr.org)) in Jerusalem.*